

**SENATE JOURNAL  
65TH LEGISLATURE  
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 22, 2017

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/22/2017

Correctly printed: **SB 92, SB 99, SB 143, SB 155, SB 182, SB 206, SB 207, SB 212, SB 216, SB 220, SB 226, SB 227, SB 231, SB 250, SB 258, SB 271, SB 275, SB 283, SB 286, SB 287, SB 292, SB 300, SB 302, SB 307, SB 310, SB 312, SB 316, SB 317, SB 318, SB 319, SB 320, SB 322, SB 323, SB 324, SB 325, SB 326, SJ 15, SJ 19.**

Correctly engrossed: **SB 44, SB 115, SB 164, SB 203, SB 214, SB 218, SB 249, SB 261, SB 282, SB 293, SB 294, SJ 18.**

Transmitted to the House: **SB 79, SB 150, SB 171, SB 175, SB 176, SB 177, SB 184, SJ 5, SJ 11, HB 232.**

Signed by the President at 7:45 a.m., February 22, 2017: **SB 3, SB 16, SB 39, SR 10, SR 17, SR 23, SR 25, SR 26, SR 29.**

Signed by the Secretary of the Senate at 8:00 a.m., February 22, 2017: **SB 3, SB 16, SB 39, SR 10, SR 17, SR 23, SR 25, SR 26, SR 29.**

Signed by the Speaker at 10:10 a.m., February 22, 2017: **SB 52.**

Signed by the Speaker at 4:05 p.m., February 22, 2017: **SB 3, SB 16, SB 39.**

Delivered to the Governor at 11:04 a.m., February 22, 2017: **SB 52.**

Delivered to the Governor at 4:35 p.m., February 22, 2017: **SB 3, SB 16, SB 39.**

Delivered to the Secretary of State at 11:36 a.m., February 22, 2017: **SR 10, SR 17, SR 23, SR 25, SR 26, SR 29.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair): 2/21/2017

**SB 294**, introduced bill, be amended as follows:

1. Page 2, line 16 through line 17.

**Strike:** subsection (12) in its entirety

**Renumber:** subsequent subsections

2. Page 5, line 12.

**Strike:** "ensure"

**Insert:** "monitor the way"

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And, as amended, do pass.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair): 2/22/2017  
**SB 275**, do pass.  
**SB 302**, do pass.  
**SB 312**, do pass.

**ENERGY AND TELECOMMUNICATIONS** (Ankney, Chair): 2/21/2017  
**SB 164**, introduced bill, be amended as follows:

1. Page 2, line 3 through line 8.

**Strike:** subsection (7) in its entirety

**Insert:** "(7)(a) The governor shall appoint members with experience or education in one or more of the following matters:

(i) economic, legal, social, and political aspects of energy production and distribution;

(ii) fish and wildlife management; or

(iii) the use, distribution, and protection of watersheds located in the Pacific Northwest.

(b) The governor shall consider potential members with an understanding of and familiarity with the impacts of members' actions on the electricity rates of Montana utilities and residents receiving their power supply from the Bonneville power administration."

2. Page 2, line 9.

**Strike:** "reside" through "a"

**Insert:** "be a customer in a county served by a Montana"

3. Page 2, line 15.

**Following:** "law"

**Insert:** ", including engaging with utilities receiving their power supply from the Bonneville power administration to promote an adequate, economical, and reliable power supply"

4. Page 2, line 16.

**Strike:** "or" through "governor"

**Insert:** "basis"

**Following:** ";

**Insert:** "and"

5. Page 2, line 17 through line 18.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass.

**SJ 18**, introduced joint resolution, be amended as follows:

1. Page 3, line 8.

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**Following:** "Governor"

**Insert:** "of Montana, the Governors of North Dakota, South Dakota, Wyoming, and Idaho"

2. Page 3, line 9.

**Following:** "Commission,"

**Insert:** "the Montana Rural Electric Cooperatives' Association, the Bonneville Power Administration, the Pacific NorthWest Economic Region, NorthWestern Energy, Montana-Dakota Utilities Co.,"

And, as amended, do pass.

**FINANCE AND CLAIMS** (Jones, Chair):

2/21/2017

**SB 44**, introduced bill, be amended as follows:

1. Page 2, line 24.

**Following:** "33-18-232(1)"

**Insert:** ", unless the provisions of subsection (4)(b)(iv) or [section 4(5)] apply. These provisions are a reasonable reason to not pay the claim in full as provided in 33-18-232"

2. Page 2, line 30.

**Strike:** "or"

3. Page 3, line 2.

**Following:** "performed"

**Insert:** "; or

(iv) a timeframe related to whether the payment as compared to the applicable medicare rate of payment for the services that are the subject of the claim is:

(A) 250% or less of the applicable medicare rate, in which case the timeframe is as provided in 33-18-232;

(B) more than 250% but less than 400% of the applicable medicare rate, in which case the payment timeframe is 2 years; or

(C) 400% or more of the applicable medicare rate, in which case the payment timeframe is 5 years"

4. Page 3, line 8.

**Following:** "jurisdiction"

**Insert:** ", but the timely payment provisions of 33-18-232 and 33-22-150 are waived as provided in [section 4]"

5. Page 3, line 9.

**Following:** "this section"

**Strike:** ", "

**Insert:** ": (a)"

6. Page 3, line 13.

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**Strike:** "(a)"

**Insert:** "(i)"

7. Page 3, line 15.

**Strike:** "(b)"

**Insert:** "(ii)"

8. Page 3, line 16.

**Strike:** "(c)"

**Insert:** "(iii)"

9. Page 3, line 16.

**Insert:** "; and

(b) "insurer" means a health insurance issuer as defined in 33-22-140 and includes issuers of health insurance under Titles 2 and 20"

10. Page 4, line 4.

**Following:** "resolution"

**Insert:** "-- incentives"

11. Page 4.

**Following:** line 13

**Insert:** "(5) (a) The following payment incentives apply to participants in an independent dispute resolution and include exemptions to the time periods for payment of claims in 33-18-232 and 33-22-150:

(i) an air ambulance service that bills between 250% and 400% of the applicable medicare rate of payment for the services that are the subject of the claim may require final payment within 2 years of completing an independent dispute resolution; or

(ii) an insurer or health plan with an air ambulance service claim that is 400% or more of the applicable medicare rate of payment for the services that are the subject of the claim may extend payment over 5 years unless the air ambulance service agrees to independent dispute resolution under [section 5] and this section and agrees to a percentage of the applicable medicare rate of payments that is less than 400%.

(b) Claims subject to extended term payments under this section may not be included as distribution priorities under 33-2-1371 in case of an insurer's liquidation."

**Renumber:** subsequent subsection

12. Page 9.

**Following:** line 30

**Insert:** "NEW SECTION. **Section 11. Plan options.** The advisory council shall provide recommendations to the department for supplemental offerings from which employees may select and for which employees pay out of pocket or from a flexible spending account. These supplemental offerings may include but are not limited to dental insurance, vision insurance, and air ambulance memberships."

**Renumber:** subsequent sections

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13. Page 10.

**Following:** line 8

**Insert:** "(4) [Section 11] is intended to be codified as an integral part of Title 2, chapter 18, part 8, and the provisions of Title 2, chapter 18, part 8, apply to [section 11]."

**Renumber:** subsequent subsections

And, as amended, do pass.

**SB 115**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 19-20-101 and"

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 1, line 11.

**Insert:** "**Section 1.** Section 19-20-101, MCA, is amended to read:

**"19-20-101. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accumulated contributions" means the sum of all the amounts deducted from the compensation of a member or paid by a member and credited to the member's individual account in the annuity savings account, together with interest. Regular interest must be computed and allowed to provide a benefit at the time of retirement.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the mortality table and interest rate assumption set by the retirement board.

(3) "Average final compensation" means a member's highest average earned compensation, determined pursuant to 19-20-805, on which all required contributions have been made.

(4) "Beneficiary" means one or more persons formally designated by a member or retiree to receive a retirement allowance or payment upon the death of the member or retiree, except for a joint annuitant.

(5) "Benefit recipient" means a retired member, a joint annuitant, or a beneficiary who is receiving a retirement allowance.

(6) "Creditable service" is that service defined by 19-20-401.

(7) "Date of termination" or "termination date" means the last date on which a member performed service in a position reportable to the retirement system.

(8) (a) "Earned compensation" means, except as limited by subsections (8)(b) and (8)(c) or by 19-20-715, remuneration paid for the service of a member out of funds controlled by an employer before any pretax deductions allowed under the Internal Revenue Code are deducted.

(b) Earned compensation does not include:

(i) direct employer premium payments on behalf of members for medical, pharmaceutical, disability, life, vision, dental, or any other insurance;

(ii) any direct employer payment or reimbursement for:

(A) professional membership dues;

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- (B) maintenance;
- (C) housing;
- (D) day care;
- (E) automobile, travel, lodging, or entertaining expenses; or
- (F) any similar form of maintenance, allowance, or expenses;
- (iii) the imputed value of health, life, or disability insurance or any other fringe benefits;
- (iv) any noncash benefit provided by an employer to or on behalf of a member;
- (v) termination pay unless included pursuant to 19-20-716;
- (vi) compensation paid to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code, 26 U.S.C. 457(f);
- (vii) payment for sick, annual, or other types of leave paid to a member prior to termination from employment or accrued in excess of that normally allowed;
- (viii) incentive or bonus payments paid to a member that are not part of a series of annual payments; or
- (ix) a professional stipend paid pursuant to 20-4-134; or
- ~~(ix)~~ (x) any similar payment or reimbursement made to or on behalf of a member by an employer.

(c) Adding a direct employer-paid or noncash benefit to an employee's contract or subtracting the same or a similar amount as a pretax deduction is considered a fringe benefit and not earned compensation.

- (9) "Employer" means:
- (a) the state of Montana;
  - (b) a public school district, as provided in 20-6-101 and 20-6-701;
  - (c) the office of public instruction;
  - (d) the board of public education;
  - (e) an education cooperative;
  - (f) the Montana school for the deaf and blind, as described in 20-8-101;
  - (g) the Montana youth challenge program, as defined in 10-1-101;
  - (h) a state youth correctional facility, as defined in 41-5-103;
  - (i) the Montana university system;
  - (j) a community college; or
  - (k) any other agency, political subdivision, or instrumentality of the state that employs a person who is designated a member of the retirement system pursuant to 19-20-302.

(10) "Full-time service" means service that is:

- (a) at least 180 days in a fiscal year;
- (b) at least 140 hours a month during at least 9 months in a fiscal year; or
- (c) at least 1,080 hours in a fiscal year under an alternative school calendar adopted by a school board and reported to the office of public instruction as required by 20-1-302. The standard for full-time service for a school district operating under an alternative school calendar must be applied uniformly to all employees of the school district required to be reported to the retirement system.

(11) "Internal Revenue Code" has the meaning provided in 15-30-2101.

(12) "Joint annuitant" means the one person that a retired member who has elected an optional allowance under 19-20-702 has designated to receive a retirement allowance upon the death of the retired member.

(13) "Member" means a person who has an individual account in the annuity savings

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account. Unless otherwise specified, "member" refers to a tier one member or a tier two member. An active member is a person included under the provisions of 19-20-302. An inactive member is a person included under the provisions of 19-20-303.

(14) "Normal form" or "normal form benefit" means a monthly retirement benefit payable during the lifetime of the retired member.

(15) "Normal retirement age" means an age no earlier than 60 years of age.

(16) "Part-time service" means service that is not full-time service. Part-time service must be credited in the proportion that the actual time worked compares to full-time service.

(17) "Position reportable to the retirement system" means a position in which an individual performs duties that would entitle the person to active membership in the retirement system under the provisions of 19-20-302.

(18) "Regular interest" means interest at a rate set by the retirement board in accordance with 19-20-501(2).

(19) "Retired", "retired member", or "retiree" means a person who is considered in retired member status under the provisions of 19-20-810.

(20) "Retirement allowance" or "retirement benefit" means a monthly payment due to a retired member who has qualified for service or disability retirement or due to a joint annuitant or beneficiary.

(21) "Retirement board" or "board" means the retirement system's governing board provided for in 2-15-1010.

(22) "Retirement system", "system", or "plan" means the teachers' retirement system of the state of Montana provided for in 19-20-102.

(23) "Service" means the performance of duties that would entitle the person to active membership in the retirement system under the provisions of 19-20-302.

(24) "Termination" or "terminate" means that the employment relationship between the member and the member's employer has been terminated as required in 19-20-810.

(25) (a) "Termination pay" means any form of bona fide vacation leave, sick leave, severance pay, amounts provided under a window or early retirement incentive plan, or other payments contingent on the employee terminating employment.

(b) Termination pay does not include:

(i) amounts that are not wages under section 3121 of the Internal Revenue Code, determined without regard to the wage base limitation; and

(ii) amounts that are payable to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code, 26 U.S.C. 457(f).

(26) "Tier one member" means a person who became a member before July 1, 2013, and who has not withdrawn the member's account balance.

(27) "Tier two member" means a person who became a member on or after July 1, 2013, or who, after withdrawing the member's account balance, became a member again after July 1, 2013.

(28) "Vested" means that a member has been credited with at least 5 full years of membership service upon which contributions have been made and has a right to a future retirement benefit.

(29) "Written application" or "written election" means a written instrument, required by statute or the rules of the board, properly signed and filed with the board, that contains all the required information, including documentation that the board considers necessary."

**Renumber:** subsequent sections

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3. Page 1, line 13.

**Strike:** "\$3,000"

**Insert:** "up to \$1,500"

4. Page 1, line 24.

**Strike:** "\$3,000"

**Following:** "stipend"

**Insert:** "of up to \$2,500"

**Strike:** "in addition to the annual stipend provided for in subsection (1)"

5. Page 1, line 30.

**Following:** "subsection (1)"

**Strike:** "and, if applicable, the additional"

6. Page 2, line 1.

**Strike:** "stipend in subsection (2)"

7. Page 2, line 5.

**Following:** "funding"

**Insert:** "a portion of"

8. Page 2, line 6.

**Strike:** "stipends"

**Insert:** "its matching portion of a stipend"

9. Page 2.

**Following:** line 12

**Insert:** "(6) (a) For a stipend under subsection (1), the state shall pay \$500 and another \$1 for each \$1 contributed by the teacher's school district, up to a maximum state contribution of \$1,000.

(b) For a stipend under subsection (2), the state shall pay \$1,000 and another \$2 for each \$1 contributed by the teacher's school district, up to a maximum state contribution of \$2,000."

10. Page 2, line 15.

**Insert:** "NEW SECTION. Section 4. Applicability. [This act] applies to teachers who obtain certification or recertification from the national board for professional teaching standards on or after July 1, 2017."

And, as amended, do pass.

**SB 261**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "STABILIZATION RESERVE"

**Insert:** "FUND"

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2. Page 1, line 16.

**Insert:** "NEW SECTION. Section 1. Budget stabilization reserve fund. (1) There is an account in the state special revenue fund established by 17-2-102 known as the budget stabilization reserve fund.

(2) For the fiscal years beginning July 1, 2016, and July 1, 2017, if actual general fund revenues exceed the revenue estimate established pursuant to 5-5-227 for the 2-year period, excess revenues over \$30 million are allocated as follows:

(a) 50% remains in the general fund; and

(b) 50% is transferred into the budget stabilization reserve fund on or before August 15 of the following fiscal year.

(3) Starting in the fiscal year beginning July 1, 2018, if actual general fund revenues for a fiscal year exceed the revenue estimate established pursuant to 5-5-227 for that fiscal year, all excess revenues are allocated as follows:

(a) 50% remains in the general fund; and

(b) 50% is transferred into the budget stabilization reserve fund on or before August 15 in the following fiscal year.

(4) The governor is authorized to use the budget stabilization reserve fund to:

(a) pay back conditional transfers made pursuant to 17-7-140;

(b) pay down the debt service on bonds for capital projects previously authorized by the legislature if allowed without penalty by the terms of the bond issuance;

(c) delay, forego, or reduce the amount of an issuance of bonds authorized by the legislature; or

(d) keep the funds in the budget stabilization reserve fund.

(5) If the governor uses funds as allowed under subsections (4)(a) through (4)(c), the governor must submit a report to the legislative finance committee of the amount used and the purpose of the use of the funds."

**Renumber:** subsequent sections

3. Page 2, lines 9 through 10.

**Strike:** "long-range" on line 9 through "building program account" on line 10

**Insert:** "budget stabilization reserve fund"

4. Page 2, line 10.

**Strike:** "4%"

**Insert:** "4.5%"

5. Page 2, line 12.

**Following:** "governor"

**Insert:** "pursuant to 17-7-140"

6. Page 4, line 4 through line 5.

**Strike:** "long-range" on line 4 through "building program account" on line 5"

**Insert:** "budget stabilization reserve fund"

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7. Page 4, line 5.

**Strike:** "4%"

**Insert:** "4.5%"

8. Page 4, line 7.

**Following:** "governor"

**Insert:** "pursuant to 17-7-140"

9. Page 6, line 2.

**Following:** "(3)"

**Strike:** "Subject to subsections (7) and (8), the"

**Insert:** "The"

10. Page 8, line 9 through line 25.

**Strike:** subsection (7) through subsection (8) in their entirety

11. Page 12, line 3.

**Following:** line 2

**Insert:** "(a) From the budget stabilization reserve fund established in [section 1]."

**Renumber:** subsequent subsections

12. Page 12, lines 4 and 5.

**Following:** "limited to the"

**Strike:** "sum of the budget" on line 4 through "not been encumbered and" on line 5

**Insert:** "estimated amount of fund balance that"

13. Page 12, line 7.

**Following:** "fund balance"

**Insert:** "plus current year revenues"

14. Page 12, line 8.

**Strike:** "150%"

**Insert:** "125%"

15. Page 12, line 10.

**Following:** "only if the"

**Insert:** "unrestricted"

**Following:** "account"

**Insert:** "plus the monies invested in the board of investments' short-term investment pool"

16. Page 12, line 11.

**Strike:** "accrued"

**Insert:** "projected revenues and"

**Following:** "reduce its"

**Insert:** "anticipated"

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**Following:** "cash"

**Strike:** "balance"

**Insert:** "and funds invested in the board of investments' short-term investment pool"

17. Page 12, line 13 through line 14.

**Strike:** "other than" on line 13 through "suppression account" on line 14

**Insert:** "designated in this subsection (7)(d)"

18. Page 12, line 27.

**Strike:** "authorize"

**Insert:** "convert"

**Following:** "transfer"

**Strike:** "as"

**Insert:** "to"

19. Page 13, line 1 through line 2.

**Following:** "account"

**Strike:** " -- deposit" on line 1 through "uses" on line 2

20. Page 13, line 9 through line 21.

**Strike:** subsection (5) through subsection (7) in their entirety

And, as amended, do pass.

**SB 287**, do pass.

**FISH AND GAME** (Fielder, Chair):

2/21/2017

**SB 214**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Following:** line 21

**Insert:** " (c) Except when the taking of game fish is authorized pursuant to subsections (1)(a)(ii) and (2)(a), all game fish captured while fishing as authorized under this subsection (1) must be returned uninjured to the waters from which they were taken."

2. Page 1, line 22.

**Following:** "(2)(a)"

**Strike:** "Except" through "(2)(c),"

**Insert:** "The commission shall adopt regulations to allow"

**Strike:** "swimming"

3. Page 1, line 23.

**Strike:** the first "or"

**Strike:** "lake or reservoir may"

**Insert:** "public water body to"

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**Following:** "take"

**Insert:** "other"

4. Page 1, line 27.

**Strike:** "above"

**Insert:** "within 200 feet of"

5. Page 1, line 29.

**Strike:** subsection (i) in its entirety

**Renumber:** subsequent subsections

And, as amended, do pass.

**SB 218**, introduced bill, be amended as follows:

1. Page 3, line 29.

**Following:** "without having"

**Insert:** "  
(i)"

2. Page 3, line 30.

**Following:** "course"

**Insert:** "; and

(ii) turned 12 years of age by January 16 of the license year"

And, as amended, do pass.

**JUDICIARY** (Regier, Chair):

2/21/2017

**SB 203**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Following:** "officer"

**Insert:** "shall"

2. Page 1, line 21.

**Strike:** "shall"

3. Page 1, line 22.

**Strike:** "may request that"

**Insert:** "have"

4. Page 1, line 23.

**Following:** "suffering"

**Insert:** ", unless a licensed veterinarian cannot be located or the animal owner has a preexisting veterinarian-client patient relationship to a licensed veterinarian"

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5. Page 1.

**Following:** line 23

**Insert:** "(c) If a licensed veterinarian did not accompany the law enforcement officer to the premises, the law enforcement officer shall have the seized animal examined by a licensed veterinarian who does not have a preexisting veterinarian-client relationship to the animal's owner as expeditiously as possible."

6. Page 3, line 29 through page 4, line 6.

**Strike:** subsection (8) in its entirety

**Insert:** "(8) If the court does not make the finding described in subsection (6)(a), the animal must be released to the respondent."

7. Page 4, line 10.

**Strike:** "substantial"

8. Page 4, line 11.

**Strike:** "substantially"

And, as amended, do pass.

**SB 282**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "PROHIBIT"

**Insert:** "RESTRICT"

2. Page 3, line 13.

**Following:** "more"

**Insert:** "or that a fetus is able to live outside the mother's womb, albeit with artificial aid, whichever occurs earlier"

3. Page 5, line 4.

**Following:** "~~(2)~~"

**Strike:** ". If a fetus is viable and"

**Following:** "1"

**Insert:** "except that if"

4. Page 5, line 7.

**Following:** "fetus,"

**Strike:** "the"

**Insert:** "a"

**Strike:** "or physician assistant"

**Strike:** "induce"

**Insert:** "terminate the pregnancy by inducing "

**Strike:** "deliver"

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**Insert:** "delivering"

5. Page 5, line 8.

**Following:** "section"

**Insert:** ". The physician may not intentionally cause the death of the viable fetus prior to or during delivery"

**Following:** "and"

**Insert:** "shall"

6. Page 6, line 3.

**Strike:** "and"

7. Page 6, line 5.

**Following:** "fetus"

**Insert:** ", and if after viability, the medical procedures employed to protect and preserve the life and health of the fetus"

And, as amended, do pass.

**SB 286**, do pass.

**SB 293**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "(1)"

**Insert:** "(a)"

2. Page 1, line 13.

**Following:** "year"

**Strike:** "a prevailing claimant is entitled to interest"

**Insert:** "interest is payable on judgments recovered in the courts of this state and on the cost incurred to obtain or enforce a judgment"

3. Page 1.

**Following:** line 15

**Insert:** "(b) The rate for bank prime loans established in subsection (1)(a) must be set as of January 1 of each year and remain in effect until December 31 of each year."

4. Page 1, line 20.

**Following:** "(1)"

**Insert:** "(a)"

5. Page 1.

**Following:** line 25

**Insert:** "(b) The rate for bank prime loans established in subsection (1)(a) must be set as of January 1 of each year and remain in effect until December 31 of each year."

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And, as amended, do pass.

**SJ 15**, do pass.

**JUDICIARY** (Regier, Chair):

2/22/2017

**SB 207**, do pass.

**SB 249**, introduced bill, be amended as follows:

1. Page 4, line 1.

**Strike:** "shall"

**Insert:** "may"

2. Page 4, line 2.

**Following:** "hearing"

**Insert:** "at the request of the defendant"

And, as amended, do pass.

**SB 250**, do pass.

**SB 258**, do pass.

**SB 310**, do pass.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate:

2/21/2017

**SB 50**, introduced by J. Pomnichowski

**House bills** passed and transmitted to the Senate for concurrence:

2/21/2017

**HB 282**, introduced by M. Cuffe

**HB 285**, introduced by W. McKamey

**HB 404**, introduced by L. Sheldon-Galloway

**HB 405**, introduced by R. Cook

**HB 427**, introduced by A. Knudsen

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

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**SB 322**, introduced by P. Connell, referred to State Administration.

**SB 324**, introduced by R. Tempel, M. Blasdel, M. Lang, T. Richmond, referred to Taxation.

**SB 325**, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.

**SB 326**, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

**HB 282**, introduced by M. Cuffe, S. Gunderson, referred to State Administration.

**HB 285**, introduced by W. McKamey, Anderson, Fitzpatrick, D. Jones, Karjala, Kelker, Knokey, Lavin, Pierson, Price, F. Smith, Trebas, and Windy Boy., referred to Public Health, Welfare and Safety.

**HB 404**, introduced by L. Sheldon-Galloway, referred to Judiciary.

**HB 405**, introduced by R. Cook, referred to Local Government.

**HB 427**, introduced by A. Knudsen, J. Pomnichowski, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 119** - Senator Tempel moved **HB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 47

Nays: Brown, Moore, Mr.President.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 291** - Senator Phillips moved consideration of **SB 291** be placed at the bottom of the second reading board. Without objection, so ordered.

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**SB 96** - Senator C. Smith moved **SB 96** do pass.

**SB 96** - Senator C. Smith moved **SB 96**, second reading copy, be amended as follows:

1. Page 5, line 26.

**Following:** "~~(A)~~"

**Insert:** "(a)"

2. Page 6.

**Following:** line 3

**Insert:** "(b) The term does not include the state employee group insurance program established in Title 2, chapter 18, part 8, or the Montana university system group benefit plans established in Title 20, chapter 25, part 13."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 96** - Bill, as amended, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.  
Total 36

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford.

Total 14

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SB 213** - Senator Cohenour moved **SB 213** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 219** - Senator Buttrey moved consideration of **SB 219** be placed below **SB 98** on the second reading board. Without objection, so ordered.

**HB 247** - Senator Vincent moved **HB 247** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 198** - Senator Caferro moved **SB 198** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 199** - Senator Caferro moved **SB 199** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 48

Nays: Hinebauch, Howard.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 224** - Senator Malek moved **SB 224** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 48

Nays: Pomnichowski, Tempel.  
Total 2

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 228** - Senator Ankney moved **SB 228** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 41

Nays: Fielder, Kary, Moore, Osmundson, Smith C, Vance, Vincent, Webb, Mr.President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 243** - Senator Connell moved **SB 243** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Osmundson, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Wolken, Mr.President.

Total 26

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Gauthier, Gross, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Smith F, Webb, Whitford.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 252** - Senator Blasdel moved **SB 252** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 301** - Senator D. Brown moved **SB 301** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 98** - Senator C. Smith moved **SB 98** do pass. Motion **failed** as follows:

Yeas: Blasdel, Brown, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.  
Total 20

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.  
Total 30

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 98** - Majority Leader Thomas moved **SB 98** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.

Total 39

Nays: Blasdel, Hinkle, Howard, Kary, Moore, Olszewski, Smith C, Swandal, Thomas, Vance, Webb.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 219** - Senator Buttrey moved **SB 219** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: Sesso.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Phillips assumed the chair.

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**SB 291** - Senator Facey moved **SB 291** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 48

Nays: Kary, Olszewski.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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**SB 92** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: Hinkle.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 99** passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.  
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 131, as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Swandal, Tempel, Thomas, Vance, Vincent, Welborn, Mr.President.  
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Howard, MacDonald, Malek,

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McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Vuckovich, Webb, Whitford, Wolken.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 143** passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.  
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 155** passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.  
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 182** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 206** passed as follows:

Yeas: Ankney, Boland, Brown, Caferro, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 36

Nays: Barrett, Blasdel, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gross, Jones, MacDonald, Moore, Pomnichowski, Regier, Sesso.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 212** passed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.  
Total 32

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan,

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Lang, Moore, Olszewski, Salomon, Smith C, Vincent, Webb, Mr.President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 216** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 226** passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Olszewski, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 227** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 44

Nays: Brown, Fielder, Hinebauch, Keenan, Smith C, Mr.President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 231** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.

Total 38

Nays: Brown, Hinebauch, Hinkle, Keenan, Malek, McClafferty, Pomnichowski, Smith C, Smith F, Vincent, Whitford, Mr.President.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 294** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Webb moved that **SB 133** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading tomorrow. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Keenan,

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MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Smith F, Tempel, Thomas, Webb, Whitford, Wolken.

Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, Moore, Osmundson, Regier, Salomon, Sesso, Small, Smith C, Swandal, Vance, Vincent, Vuckovich, Welborn, Mr.President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, February 23, 2017, the fortieth legislative day. Motion carried.

Senate adjourned at 2:43 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate